

## Message Text

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50

ACTION DLOS-06

INFO OCT-01 ARA-16 ISO-00 CEQ-02 CIAE-00 COA-02 COME-00

DODE-00 EB-11 EPA-04 INR-10 IO-14 L-03 NSF-04 NSC-10

NSAE-00 PM-07 RSC-01 SCI-06 SS-20 SPC-03 FEA-02

SAM-01 ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08

JUSE-00 OMB-01 DRC-01 PA-04 USIA-15 PRS-01 /207 W

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R 161235Z FEB 74

FM AMCONSUL RIO DE JANEIRO

TO SECSTATE WASHDC 180

INFO AMEMBASSY BRASILIA

UNCLAS RIO DE JANEIRO 605

FROM BARNES

E. O. 11652: N/A

TAGS: PFOR, OCON, BR

SUBJ: IAJC VOTES LOS RESOLUTION

SUMMARY IAJC VOTED UNANIMOUSLY A RESOLUTION ON LOS SPECIFICALLY RECOMMENDING A REGIME FOR THE INTERNATIONAL ZONE OF THE SEABED INCLUDING COMPULSORY CONCILIATION WITHOUT RESERVATION. APPROVED BARNES AND GALINDO POHL REPORTS AS BACKGROUND TO THE FOLLOWING TEXT. BARNES ABSTAINED ON INDICATED PARAGRAPHS AND RESERVED RIGHT TO SUBMIT EXPLANATION OF VOTE BUT NOTED AFFIRMATIVELY BECAUSE OF ITS COMMITMENT TO MACHINERY FOR SETTLEMENT OF DISPUTES.

1. BEGIN FREE TRANSLATION TEXT: QUOTE

TO ENCOURAGE GOVERNMENTS OF MEMBER STATES OF THE OAS TO ASSURE REPRESENTATION BY DELEGATIONS WHICH CAN ATTEND ALL COMMITTEES AND WORKING GROUPS AT THE THIRD UN CONFERENCE ON LOS BEGINNING 20 JUNE 1974 IN CARACAS; FOLLOWING A POLICY OF ACTIVE PRESENCE AND PARTICIPATION IN FORMAL AHD

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INFORMAL NEGOTIATIONS FOR THE FUTURE REGIME OF THE SEAS,

INCLUDING THE INTERNATIONAL ZONE OF THE DEEP SEABED.

2. TO SEEK GOVERNMENT POSITIONS IN THE LIGHT OF THE LEGAL SYNCHRONIZING WHICH PRODUCED THE DECLARATION OF THE IAJC ON LOS OF 9 FEBRUARY 1973 AND BY THE METHOD OF CONCILIATION ACCORDING TO WHICH THAT DECLARATION WAS OBTAINED.

3. TO EMPHASIZE THE IMPORTANCE OF CONSULTATION AMONG THE AMERICAN GOVERNMENTS BEFORE AND DURING THE THIRD UN CONFERENCE ON LOS.

4. TO TAKE CARE THAT THE ESSENTIAL CHARACTER OF THE COMMON HERITAGE OF MANKIND IS PRESERVED IN ALL PROPOSALS AND POSSIBILITIES CONCERNING THE DEEP SEABED AND OCEAN FLOOR SITUATED BEYOND THE NATIONAL JURISDICTION AND ITS RESOURCES, IN PARTICULAR THE NEGATIVE ELEMENT: THAT NO STATE IWLL JUSTIFY OR EXERCISE SOVEREIGNTY OR SOVEREIGN RIGHTS OVER ANY PART THEREOF; AND THE POSITIVE ELEMENT: THAT ALL STATES, COASTAL OR LANDLOCKED, WILL PARTICIPATE IN THE ADMINISTRATION OF THE RESOURCES AND WILL DERIVE BENEFITS FROM THE EXPLORATION AND EXPLOITATION, ESPECIALLY IN THIS CASE, THOSE STATES WHICH ARE IN THE PROCESS OF DEVELOPMENT. (NOTE: BARNES ABSTAINED BECAUSE IT FAILS TO SPECIFY ENOUGH AREA FOR THE ZONE.)

5. TO IDENTIFY AMONG THE ESSENTIAL ELEMENTS OF THE REGIME OF THE INTERNATIONAL ZONE OF THE SEABED, THE FOLLOWING:  
A) INCLUSION OF MINERALS IN SUSPENSION IN WATERS OF THE LIGHT SEAS AS BEING WITHIN THE ZONE AND CONSEQUENTLY PART OF THE COMMON HERITAGE OF MANKIND. (NOTE: BARNES VOTED AGAINST THIS PARAGRAPH.)

B) THE POSSIBILITY THAT THE GLOBAL ORGANISM WHICH REGULATES, ADMINISTERS AND SUPERVISES THE INTERNATIONAL ZONE OF THE SEABED CARRIES OUT THE TECHNICAL, INDUSTRIAL AND COMMERCIAL ACTIVITIES RELATING TO EXPLORATION AND EXPLOITATION OF THE ZONE IN THE CGLFO OF AN INTERNATIONAL PUBLIC SERVICE BY MEANS OF A REGIME OF CONCESSIONS OR SERVICE CONTRACTS WITH PUBLIC, MIXED OR PRIVATE ENTERPRISES, THROUGH ONE OR MANY ENTERPRISES OR DIRECTLY IF THAT WERE UNCLASSIFIED

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FEASIBLE. (NOTE: BARNES ABSTAINED FOR SEVERAL REASONS, SPELLED OUT IN HIS SEPARATE VOTE.)

C) THAT THE EXPLOITATION OF THE SEABED SHALL BE CONSISTENT WITH THE ESTABLISHMENT OF MEASURES OF CONSERVATION OF LIVING RESOURCES IN THE HIGH SEAS AND SHOULD BE SUBJECT TO PRECISE AND EFFECTIVE RULES FOR THE PROTECTION OF THE ECOLOGY AND MARINE ENVIRONMENT.

D) THE CREATION OF AN ADEQUATE SYSTEM FOR THE PEACEFUL SETTLEMENT OF DISPUTES, INCORPORATED IN THE PRINCIPAL INSTRUMENT ADOPTING MUTATIS MUTANDIS AND COMPULSORY CONCILIATION PROVIDED IN THE VIENNA CONVENTION OF THE LAW OF TREATIES WITH ALL RESERVATIONS TO SUCH A SYSTEM OF CONCILIATION BEING PROHIBITED.

6. TO IDENTIFY THE NEED TO ADOPT A DEFINITE POSITION IN ORDER TO MAINTAIN THE JURIDICAL EQUALITY OF STATES, ON THE BASIS OF EQUAL VOTE AND OPPORTUNITY TO BE ON THE ORGANS WHICH ARE CREATED FOR THE NEW REGIME OF THE SEAS AND TO ASSURE THAT EQUITABLE GEOGRAPHIC DISTRIBUTION IS MAINTAINED ON ORGANS COMPOSED OF A RESTRICTED MEMBERSHIP.

7. TO REAFFIRM THE THESIS THAT THE LIMITS OF THE INTERNATIONAL ZONE OF THE SEABED SHOULD COINCIDE WITH THE LIMITS OF NATIONAL JURISDICTIONS, NOTED AS 200 NAUTICAL MILES AS A MAXIMUM, MEASURED FROM THE BASELINE OF THE TERRITORIAL SEA AND WITH AN OUTSIDE BOUNDARY OF THE CONTINENTAL RISE WHICH IT IS FOUND BEYOND THE 200 MILES. (BARNES ABSTAINED ON GROUND THAT LIMITS RECOMMENDED IN THE IAJC DECLARATION OF 1973 SHOULD NOT BE INFLEXIBLY APPLIED TO SHRINK THE COMMON HERITAGE OF MANKIND.)

8. TO INCLUDE IN THE GLOBAL REGIME THE SYSTEMS OF REGIONAL COOPERATION AND THE REGIONAL DECENTRALIZATION OF THE AUTHORITY OF THE GLOBAL ORGANIZATION WHICH MAY CONTRIBUTE TO A GREATER DEVELOPMENT OF ITS PURPOSES.

9. TO GIVE CONSIDERATION TO INTER REGIONAL PROPOSALS AND THOSE OF AREAS OF ECONOMIC INTEGRATION INCLUDING DEVELOPING COUNTRIES IN THE DISTRIBUTION OF THE BENEFITS  
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BY THE GLOBAL ORGANIZATION.

10. IN VIEW OF THE PROXIMITY OF THE THIRD UN CONFERENCE ON LOS, TO REQUEST THE OAS SECRETARY GENERAL TO TRANSMIT COPIES OF THIS RESOLUTION TO MEMBER GOVERNMENTS (AS WELL AS TEXT OF 1973 IAJC DECLARATION. END OF TEXT. END QUOTE.  
BOONSTRA

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## Message Attributes

**Automatic Decaptioning:** X  
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**Concepts:** LAW OF THE SEA, SEABED, AGREEMENTS, UNGA RESOLUTIONS, VOTING ABSTENTIONS, EXPLOITATION (NATURAL RESOURCES), OCEAN EXPLORATION, DIPLOMATIC PERSONNEL , COMMITTEE MEETINGS  
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**Disposition Case Number:** n/a  
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**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
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**Subject:** IAJC VOTES LOS RESOLUTION SUMMARY IAJC VOTED UNANIMOUSLY A RESOLUTION ON LOS SPECIFICALLY  
**TAGS:** PFOR, OCON, BR, IAJC, OAS  
**To:** STATE  
**Type:** TE  
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